

REMARKS

This application has been reviewed in light of the Office Action dated March 21, 2008. Claims 1-3, 5-12, and 14-20 are presented for examination, of which Claims 1, 10, 19, and 20 are in independent form. Claims 1-3, 5, 6, 9-12, and 14-20 have been amended as to matters of form and/or to define Applicants' invention more clearly. Claims 4 and 13 have been canceled, without prejudice or disclaimer of the subject matter presented therein. Accordingly, cancellation of Claims 4 and 13 renders their rejections moot and these Claims will not be mentioned further. Favorable reconsideration is requested.

Claims 2-4, 11, 13, and 20 were objected to because of informalities. Applicants have carefully reviewed and amended Claims 2, 3, 11, and 20, as deemed necessary, to remedy the informalities raised in section 3 of the Office Action. It is believed that the objection has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1-18 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Although it is not conceded that the rejection is correct or valid, Claims 1-3, 5, 6, 9-12, and 14-18 have been amended with special attention to the points raised in section 4 of the Office Action in an effort to expedite the allowance of this application. It is believed that this rejection has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1-18 and 20 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants have carefully reviewed and amended Claims 1-3, 5, 6, 9-12, 14-18 and 20, as deemed necessary, to

ensure that they conform fully to the written description requirement of Section 112, first paragraph, with special attention to the points raised in section 5 of the Office Action. It is believed that amended Claims 1-3, 5, 6, 9-12, 14-18 and 20, when read (as the law requires that they be read) in light of the specification, are sufficiently clear such that one of ordinary skill in the relevant art would understand their scope with the legally-required degree of certainty. Accordingly, it is believed that the rejection under Section 112, first paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1-18 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended Claims 1-3, 5, 6, 9-12, 14-18 and 20, as deemed necessary, to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 6 of the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

The Office Action states that Claim 19 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Appln. Pub. No. 2004/0078692 (*Jackson et al.*); that Claims 1, 3, 5, 7-10, 12, 14, and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,430,708 (*Evans*), in view of U.S. Patent No. 6,233,727 (*Nagasuka et al.*), in further view of U.S. Patent No. 7,337,176 (*Cheedelia et al.*); that Claims 2 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Evans*, in view of *Nagasuka et al.*, in further view of *Cheedelia et al.*, in further view of U.S. Patent Appln. Pub. No. 2004/0006739 (*Mulligan*); that Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Evans*, in view of *Nagasuka et al.*, in further view of *Cheedelia et al.*, in further view of U.S. Patent Appln. Pub. No. 2004/0172632

(*Smith et al.*); and that Claims 6 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Evans*, in view of *Nagasuka et al.*, in further view of *Cheedelia et al.*, in further view of U.S. Patent Appln. Pub. No. 2003/0055702 (*Waterston et al.*). Applicants submit that independent Claims 1, 10, 19, and 20, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 19 is directed to a method for building a testbed for use in testing software under development. An important feature of amended Claim 19 is “converting said plurality of batch test jobs from batch message processing (BMP) steps into data language one (DL1) steps.” By virtue of this feature, there is no limit to the number of test databases that can exist simultaneously within a single IMS environment. Thus, one or more developers may conduct tests on one or more programs that access the same database with each test accessing a different set of data. This can facilitate greater bandwidth for testing where the number of IMS environments available is a restriction. Specification, paragraph [0023].

Jackson et al., as best understood by Applicants, relates to a method for automating the process of testing software applications in multiple operating environments. Apparently, *Jackson et al.* teaches generating batch files to automate the process of executing selected tests in the selected operating environments. See *Jackson et al.*, paragraph [0022]. However, Applicants have found nothing in *Jackson et al.* that would teach or suggest “converting said plurality of batch test jobs from batch message processing (BMP) steps into data language one (DL1) steps,” as recited in Claim 19. Indeed, *Jackson et al.* does not perform any conversion processing, much less any conversion of batch test jobs. Accordingly, Applicants submit that Claim 19 is patentable

over *Jackson et al.* and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(e).

Evans, as best understood by Applicants, relates to a system and method for automatically generating a test environment for testing control programs in a batch computing environment. In *Evans*, a list of control programs is created, custom characteristics of the test environment are specified, and modifications to the procedures are specified. *Evans*, col. 3, lines 45-50. The custom characteristics are then incorporated into the control programs and the modifications are incorporated into the procedures called by the control programs. *Id.* at col. 3., lines 51-54. At best, *Evans* discloses modifying procedures called by control programs. However, Applicants have found nothing in *Evans* that would teach or suggest “converting said plurality of batch test jobs from batch message processing (BMP) steps into data language one (DL1) steps,” as recited in Claim 19. Accordingly, Applicants submit that Claim 19 is patentable over *Evans*.

A review of the other art of record, has failed to reveal anything that, in Applicants’ view, would remedy the deficiencies of *Jackson et al.* and *Evans* as applied against Claim 19. Applicants therefore submit that *Jackson et al.*, *Evans*, *Nagasuka et al.*, *Cheedelia et al.*, *Mulligan*, *Smith et al.*, and *Waterston et al.*, alone or in any combination, assuming such a combination would even be permissible, would fail to teach or suggest “converting said plurality of batch test jobs from batch message processing (BMP) steps into data language one (DL1) steps,” as recited in Claim 19. Accordingly, Applicants submit that Claim 19 is patentable over the cited art and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a).

Independent Claims 1, 10, and 20 include a feature similar to that discussed above in connection with Claim 19. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCHS_WS 2074775_1.DOC